

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

HERBERT SPAULDING, III,

Plaintiff

v.

Civil Action No.: 2:05-0460

JO ANNE B. BARNHART,  
Commissioner of  
Social Security,

Defendant

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Mary E. Stanley, filed June 5, 2006; and the magistrate judge having recommended that the court deny plaintiff's motion for judgment on the pleadings; grant defendant's motion for judgment on the pleadings; and affirm the final decision of the Commissioner and dismiss this matter from the court's docket; and no objection having been filed to the proposed findings and recommendation, it is ORDERED that:

1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and the same hereby are, adopted by the court;

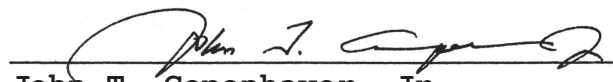
2. The plaintiff's motion for judgment on the pleadings be, and it hereby is, denied;

3. The defendant's motion for judgment on the pleadings be, and it hereby is, granted; and

4. The decision of the Commissioner be, and the same hereby is, affirmed.

The Clerk is directed to forward certified copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: June 26, 2006

  
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John T. Copenhaver, Jr.  
United States District Judge